UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,946	11/03/2003	William R. Haas	200209812-1	5967
22879 7590 HEWLETT PACKAR	01/29/2007 2D COMPANY		EXAM	IINER
P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			LIU, LIN	
			ART UNIT	PAPER NUMBER
2609				
SHORTENED STATUTORY PERIO	D OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAF	PER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)	4				
	10/700,946	HAAS ET AL.					
Office Action Summary	Examiner	Art Unit					
	Lin Liu	2621					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING D.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period or Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tircuit apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this com (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 11/03	<u>3/2003</u> .						
	action is non-final.						
3) Since this application is in condition for allowar	nce except for formal matters, pro	osecution as to the n	nerits is				
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.					
Disposition of Claims							
4) Claim(s) <u>1-5</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.		•	•				
6)⊠ Claim(s) <u>1-5</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	r election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
10)⊠ The drawing(s) filed on <u>03 November 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119			•				
<ul><li>12) Acknowledgment is made of a claim for foreign</li><li>a) All b) Some * c) None of:</li></ul>	priority under 35 U.S.C. § 119(a	)-(d) or (f).	·				
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO/SB/08)</li> </ul>	Paper No(s)/Mail D 5) Notice of Informal F						
Paper No(s)/Mail Date 6) Other:							

Application/Control Number: 10/700,946

Art Unit: 2621

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-5 are rejected under 35 U.S.C 102 (e) as being anticipated by Shiga (Publication no.: US 2004/0027467)

Regarding **claim 1**, Shiga teaches a digital camera comprising: an image sensor (fig. 2, imaging means 13, and page 2, paragraph 22, CCD for capturing still or motion picture images in digital video camera 1) for capturing digital images; a shutter button (fig. 1 shutter button 12a); and a processor (fig. 2 control means 11, and page 2, paragraph 22, CPU) coupled to the shutter button and image sensor (fig. 2 and page 2, paragraph 22, noted that CPU is for centrally controlling respective sections of the digital video camera 1) that implements a mode detection algorithm (page 2, paragraph 34, noted that the switching of imaging mode between still and motion picture images is detected based on the duration of time for the shutter button is pressed down) that automatically switches (page 2, paragraph 34, noted that upon detection of the threshold time for the switchover, imaging mode switches between still and video mode) between still image and video mode.

Application/Control Number: 10/700,946

Art Unit: 2621

Regarding claim 2, Shiga teaches the digital camera recited in claim 1 wherein the mode detection algorithm is operative to: record a still image upon detection of pressing of the shutter button (page 2, paragraph 34, noted that the digital camera obtains a still image when the shutter button 12a is pressed down for less than 2 seconds); after the still image is recorded, automatically switching to video mode to record video images (page 2, paragraph 34, noted that the imaging mode automatically switches to video mode when the shutter button 12a is pressed down for 2 seconds or more); if the shutter button remains depressed for a predetermined time period, optionally deleting the still image (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images); and if the shutter button is released before the end of the predetermined time period optionally deleting the recorded video images (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images).

Regarding **claim 3**, Shiga teaches the digital camera recited in claim 2 wherein the predetermined time period is on the order of one second (page 3, paragraph 35, noted that the shutter button 12a is released within a time of less than 2 seconds, which means it also can be 1 second).

Regarding **claim 4**, Shiga teaches a method comprising the steps of: providing a digital camera that comprises a mode detection algorithm (page 2, paragraph 34, noted that the switching of imaging mode between still and motion picture images is detected based on the duration of time for the shutter button is pressed down) that automatically switches (page 2, paragraph 34, noted that upon detection of the threshold time for the

Art Unit: 2621

switchover, imaging mode switches between still and video mode) between still image and video image mode; pressing a shutter button on the digital camera (page 2, paragraph 34, noted that the digital camera switches imaging between still and motion picture images based on the duration of time the shutter button 12a is pressed down); recording a still image upon detection of pressing of the shutter button (page 2, paragraph 34, noted that the digital camera obtains a still image when the shutter button 12a is pressed down for less than 2 seconds); after the still image is recorded, automatically switching to video mode to record video images (page 2, paragraph 34, noted that the imaging mode automatically switches to video mode when the shutter button 12a is pressed down for 2 seconds or more); if the shutter button remains depressed for a predetermined time period, optionally deleting the still image (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images); and if the shutter button is released before the end of the predetermined time period optionally deleting the recorded video images (page 3, paragraph 38, noted that the storage means 14 determines whether to store the still or motion images).

Regarding **claim 5**, Shiga teaches the method recited in claim 4 wherein the predetermined time period is on the order of one second (page 3, paragraph 35, noted that the shutter button 12a is released within a time of less than 2 seconds, which means it also can be 1 second).

Application/Control Number: 10/700,946 Page 5

Art Unit: 2621

## Conclusion

- 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bateman discloses a flexible memory management for video and still image data in a digital camera in publication no.: US 2004/0075750. Bateman discloses a multiple mode capture button for a digital camera in publication no.: US 2004/0061788. Loui discloses a method for simultaneously recording motion and still images in a digital camera in publicaiton no.: US 2006/0268117.
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday Friday, 7:30am 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/700,946

Art Unit: 2621

Information regarding the status of an application may be obtained from the

Page 6

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.Liu 01/19/2007

SUPERVISCING